

**96.172 Ordinance of city of third class adopting provisions of KRS 96.171 to 96.188 for operation of combined electric and water plant -- Electric and water plant board -- Appointment -- Qualifications -- Corporate powers -- Prohibition of nepotism -- Bond of board members -- Oath -- Term -- Removal.**

- (1) Any municipality of the third class now or hereafter owning and operating an electric system and a water system and operating them as one (1) combined system or plant may elect to operate such systems as an electric and water plant under the provisions of KRS 96.171 to 96.188 by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate its electric and water system or plant under the provisions of KRS 96.171 to 96.188 and by providing in said ordinance that the municipality accepts and agrees to all of the provisions of KRS 96.171 to 96.188. The ordinance shall further authorize the mayor or chief executive to appoint a board, subject to the approval of the appointments by the governing body of the municipality. Upon the passage of such ordinance the mayor or chief executive of any such municipality shall, with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of five (5) citizens, taxpayers, voters, and users of electric energy or water. Said board shall be appointed and qualified before the municipality shall have any authority to proceed further under the provisions of KRS 96.171 to 96.188. Said board, when so appointed and qualified, shall be and hereby is declared to be a body-politic and corporate, with perpetual succession; and said board may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of the board shall be "Electric and Water Plant Board of the City of ....., Kentucky."
- (2) No person shall be appointed a member of the board who has, within two (2) years next before his appointment, held any public office, or who is related within the third degree to the mayor or any member of the governing body of the municipality.
- (3) Neither the board, nor the superintendent appointed by the board as provided in KRS 96.176, shall appoint to any subordinate office which it may create, nor employ in any capacity any person who is related within the third degree to any member of the board or to the superintendent or to the mayor of said municipality or to any member of the governing body of the municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one (1) year after the expiration of the term of his office or employment.
- (4) The members of the board shall be citizens, taxpayers, voters, and users of electric energy or water, and shall not at the time of their appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of said municipality.
- (5) If at any time during his term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the board, and another person shall be appointed to his place.
- (6) Each member of said board shall execute bond, in an amount required by the governing body of the municipality by resolution or ordinance, conditioned upon the faithful performance of their official duties. The surety on said bonds shall be a

surety company qualified to do business in Kentucky. The cost of said bonds shall be charged as an operating expense and paid by the board.

- (7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.
- (8) The original appointees shall serve two (2) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four (4) years, respectively, from the date of their appointment, as the said mayor or chief executive officer of the municipality shall designate. Successors to retiring members so appointed shall be appointed for a term of four (4) years in the same manner, prior to the expiration of the term of office of the retiring members. Appointments to complete unexpired terms shall be made in the same manner as original appointments.
- (9) Any member of the board may be removed from office upon a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office.

**History:** Created 1946 Ky. Acts ch. 212, secs. 2, 4, and 6.